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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Nestor D. Murillo-Flores,) No. CV 08-0943-PHX-JAT

10 Petitioner,) **ORDER**

11 vs.)

12)

13 Michael B. Mukasey, et al.,)

14 Respondents.)

15)

16)

17 Pending before the Court is Petitioner's Amended Petition for Writ of Habeas Corpus
18 ("Petition") (Doc. #2) filed pursuant to 28 U.S.C. § 2241. The Magistrate Judge issued a
19 Report and Recommendation ("R&R") (Doc. #30) recommending that the Petition be denied.

20 Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts
21 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not
22 required to conduct "any review at all . . . of any issue that is not the subject of an objection"
23 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en
banc*) ("statute makes it clear that the district judge must review the magistrate judge's
24 findings and recommendations *de novo if objection is made*, but not otherwise" (emphasis
25 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

26 Accordingly,

27 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.
28 #30) is **ACCEPTED**;

1 **IT IS FURTHER ORDERED** that Petitioner's Amended Petition for Writ of Habeas
2 Corpus (Doc. #2) is **DENIED**; and

3 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT**
4 **PREJUDICE** in the event the circumstances surrounding Petitioner's detention change.

5 DATED this 5th day of February, 2009.


James A. Teilborg
United States District Judge